

Message Text

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E.O. 11652: N/A

TAGS: ELAB, PO

SUBJ: UNITARY LABOR LAW PUBLISHED

REF: LISBON 2601 (PARA 6)

SUMMARY: THE TEXT OF THE UNITARY LABOR LAW WAS FINALLY LEGALLY
PROMULGATED AND PUBLISHED. MOST UNIONS MUST ELECT NEW
DIRECTORATES BY SECRET BALLOT. LAW PROVIDES FOR OPEN SHOP
AND DOES NOT REQUIRE UNIONS TO AFFILIATE TO INTERSINDICAL.
INTERNATIONAL LABOR AFFILIATION PROHIBITED BUT COOPERATION,
AT ANY ORGANIZATIONAL LEVEL, PERMITTED. LAW SEEN BY
SOCIALISTS AS TOOL TO CHALLENGE COMMUNIST CONTROL OF
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INTERSINDICAL. END SUMMARY

1. THE OFFICIAL GAZETTE OF MAY 14 CARRIED THE TEXT OF THE REPEATEDLY DELAYED UNITARY LABOR LAW. THE POLITICAL IN-FIGHTING WHICH THE FORMULATION OF THIS DECREE LAW ENGENDERED BETWEEN THE COMMUNIST AND SOCIALIST CAMPS CAUSED CONCERN THAT THERE MIGHT STILL BE LAST MINUTE ALTERATIONS UP TO THE TIME OF PUBLICATION. COMPLETE TEXT BEING POUCHED.

2. THE LAW CARRIES A PROMULGATION DATE OF APRIL 30. UNIONS MUST PRESENT THEIR BY-LAWS TO THE MINISTRY OF LABOR WITHIN 60 DAYS FOR VERIFICATION THAT THEY MEET LEGAL REQUIREMENTS. UNIONS WHICH HAVE NOT ALREADY SELECTED NEW LEADERSHIP - BY SECRET BALLOT ELECTIONS - SINCE APRIL 25, 1974, MUST DO SO WITHIN 120 DAYS. (COMMENT: ALTHOUGH A NUMBER OF UNIONS HAVE HELD SHOW OF HAND ELECTIONS TO RATIFY NEW UNION DIRECTORATES, FEW HAVE HELD THE SECRET ELECTIONS REQUIRED BY THE NEW LAW. AN INDICATION THAT THE REQUIREMENT FOR SECRET BALLOT ELECTIONS IS PAINFUL TO INTERSINDICAL'S PRO-COMMUNIST LEADERSHIP MAY BE HAD FROM THE CONFEDERATION'S COMPLAINT OVER THE USELESSNESS OF "REPEATED ELECTIONS WHICH DIVIDE THE WORKERS ALONG PARTY LINES.")

3. LAW, AS PROMULGATED, RETAINS PROVISIONS THAT WORKERS NEED NOT BELONG TO A UNION, AND THAT UNIONS ARE NOT REQUIRED TO AFFILIATE WITH THE NATIONAL CONFEDERATION.

4. A NOTEWORTHY ALTERATION FROM THE ORIGINALLY PROPOSED DRAFT LAW IS A PROHIBITION AGAINST ANY PORTUGUESE LABOR ORGANIZATION AFFILIATING WITH A FOREIGN OR INTERNATIONAL LABOR ORGANIZATION. (COMMENT: UNDER THE ORIGINAL TEXT, THE CONFEDERATION ALONE WOULD HAVE BEEN ABLE TO AFFILIATE INTERNATIONALLY. PORTUGUESE UNION ORGANIZATIONS, AT ANY LEVEL, ARE PERMITTED TO "MAINTAIN RELATIONS AND TO COOPERATE" WITH FOREIGN AND INTERNATIONAL LABOR BODIES.)

5. AN ACCOMPANYING DECREE LAW, ALSO CARRYING A PROMULGATION DATE OF APRIL 30, GAVE JURIDICAL RECOGNITION TO INTER-SINDICAL AND ITS COMPONENT REGIONAL, DISTRICT, AND LOCAL LIMITED OFFICIAL USE

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ORGANIZATIONS. (COMMENT: THE UNITARY LABOR LAW REQUIRES THAT THE NATIONAL CONFEDERATION MUST BE CONSTITUTED BY A NATIONAL CONGRESS OF UNIONS REPRESENTING MORE THAN 50 PERCENT OF UNIONIZED WORKERS. THIS CONGRESS CANNOT BE HELD UNTIL PARTICIPATING UNIONS HAVE PUBLISHED NEW, APPROVED BY-LAWS. THE GRANTING OF LEGAL PERSONALITY TO INTERSINDICAL GIVES DE FACTO RECOGNITION TO THE CONFEDERATION AT A TIME WHEN ITS RIGHT TO REPRESENT PORTUGUESE

LABOR IS BEING INCREASINGLY CHALLENGED BY THE NON-COMMUNIST PARTIES.)

6. OVERALL COMMENT: THE FLUIDITY OF PORTUGUESE POLITICS IS ILLUSTRATED BY THE FACT THAT THE UNITARY LABOR LAW, ORIGINALLY SEEN BY NON-COMMUNISTS AS A TOOL FOR COMMUNIST DOMINATION OF THE LABOR MOVEMENT, IS NOW-AFTER A FEW CRUCIAL MODIFICATIONS-SEEN AS THE PRIMARY WEAPON FOR CHALLENGING THE PCP'S CONTROL OF INTERSINDICAL.
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